

**FIFTEENTH DAY**  
(Monday, February 5, 1973)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger, Wallace and Wolff.

The following Senators were absent-excused: Creighton, Longoria and Snelson.

A quorum was announced present.

The Reverend Phil Nessinger of Our Lady of Mount Carmel, Houston, Texas, offered the invocation as follows:

We praise and glorify Your name, O Heavenly Father, on this glorious day which you have given to us, this day awarded to us for the service of our fellow-man.

We ask your blessing upon us as this new week begins, one dedicated as it must be to the welfare of the people of our glorious state. We realize that it is only through your help and guidance, your grace and assistance, that we can do anything good and worthwhile. Hear our prayer now as we beg you to send your spirit upon us to enlighten us with your wisdom so that we may be sensitive to the needs placed before us, to use judiciously those powers entrusted to our care. May our response be only to the needs of the people we serve, your people, O Gracious Father. Let no selfishness or shortsightedness be a part of our day so that we become truly servants of truth, of justice, of honor, of good. Grant us clear minds and sincere hearts. Help us to keep before us the high calling to serve rather than to be served, along with a realization that honesty, integrity and openness will be manifest in all our dealings. May we be instruments of your love and mercy in all we do this day and always.

This we ask thru Jesus Christ and in His name. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 1, 1973, was dispensed with and the Journal was approved.

**LEAVES OF ABSENCE**

Senator Longoria was granted leave of absence for today on account of important business on motion of Senator Aikin.

Senator Creighton was granted leave of absence for today on account of important business on motion of Senator Harris.

Senator Snelson was granted leave of absence for today on account of important business on motion of Senator Sherman.

**SENATE BILLS AND RESOLUTION ON FIRST READING**

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

By Senator Gammage:

S.B. 151, A bill to be entitled An Act relating to the creation of the

Court of Domestic Relations of Fort Bend County; and declaring an emergency.  
To Committee on Intergovernmental Relations.

By Senator Gammage:

S.B. 152, A bill to be entitled An Act relating to the penalties for offenses involving cannabis; amending Subsection (a) and adding Subsections (d), (e), (f), and (g), Section 23, Uniform Narcotic Drug Act, as amended (Article 725b, Vernon's Texas Penal Code); and declaring an emergency.

To Committee on Jurisprudence.

By Senators Harris, Moore and Hightower:

S.B. 153, A bill to be entitled An Act amending Paragraph D of Article 20.021, Chapter 20, Title 122A, Taxation - General, Revised Civil Statutes of Texas, 1925, as amended, and adding new Paragraph N; requiring the filing of certain designated type bonds or securities covering the collection of both State and local sales, excise and use taxes; providing certain exclusions therefrom; providing for payment on the bonds or securities and demand for additional bond or security; allowing petition for redetermination, providing show cause hearing and authorizing suit for collection or injunction; providing for injunction suit on failure to file bond and obtain permit; providing for demand for bond in circumstances when person becomes delinquent; fixing venue and jurisdiction in suits brought under this Act in Travis County, Texas; adding new Paragraph M to Article 20.031, Chapter 20, Title 122A, Taxation - General, Revised Civil Statutes of Texas, 1925, as amended; providing a severability clause; providing a repealer clause and declaring an emergency.

To Committee on State Affairs.

By Senator Ogg:

S.B. 154, A bill to be entitled An Act relating to the teaching of the Spanish language in certain school districts; amending Subchapter D, Chapter 21, Texas Education Code, by adding Section 21.117; and declaring an emergency.

To Committee on Education.

By Senator Harris:

S.B. 155, A bill to be entitled An Act relating to bail pending appeal; providing for the denial of bail in certain instances; amending Chapter 722, Volume 2, Page 317 of the Acts of the Fifty-ninth Legislature, Regular Session, 1965 (Article 44.04, Code of Criminal Procedure); and declaring an emergency.

To Committee on Jurisprudence.

By Senator Harris:

S.B. 156, A bill to be entitled An Act relating to the form of books and records maintained by pawnbrokers and the information required; relating to serial numbers or identification mark numbers on pawned items; amending Section 9, Chapter 894, page 2761, Acts of the Sixty-second Legislature, regular session, 1971 (Article 5069-51.09, Vernon's Texas Civil Statutes); amending Section 16, Chapter 894, page 2763, Acts of the Sixty-second Legislature, regular session, 1971 (Article 5069-51.16, Vernon's Texas Civil Statutes), by adding a new subsection (i); and declaring an emergency.

To Committee on Human Resources.

By Senator Gammage:

S.B. 157, A bill to be entitled An Act relating to requiring an attorney's affidavit in a proceeding to determine whether a child is a delinquent; providing, on commitment of a delinquent, for the forwarding of certain papers to the Texas Youth Council; amending Chapter 204, Acts of the 48th Legislature, Regular Session, 1943, as amended (Article 2338-1, Vernon's Texas Civil Statutes), by adding Section 7-C; amending Section 15, Chapter 281, Acts of the 55th Legislature, Regular Session, 1957 (Article 5143-d,

Vernon's Texas Civil Statutes); and declaring an emergency.  
To Committee on Jurisprudence.

By Senator Gammage:

S.B. 158, A bill to be entitled An Act exempting the operator of certain motor vehicles from the requirement of obtaining a commercial operators license; amending Section 3, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on State Affairs.

By Senator Wolff:

S.B. 159, A bill to be entitled An Act relating to the creation, jurisdiction, administration, and procedures of two courts to be known as the County Court at Law No. 4 of Bexar County, Texas, and the County Court at Law No. 5 of Bexar County, Texas; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Moore:

S.B. 160, A bill to be entitled An Act amending Section 2, Chapter 397, Acts of the 54th Legislature, 1955, as last amended by Chapter 418, Acts of the 62nd Legislature, Regular Session, 1971 (codified as Article 3.70-2, Vernon's Texas Insurance Code); relating to accident and sickness insurance; prohibiting the exclusion of benefits provided for mental illness or mental retardation on the basis that the care or treatment is provided in a tax supported institution of the State of Texas including Community Centers for Mental Health and Mental Retardation Services; and providing an effective date.

To Committee on Economic Development.

By Senator Kothmann:

S.B. 161, A bill to be entitled An Act relating to an Anti-Crime Task Force; and declaring an emergency.

To Committee on State Affairs.

By Senator Sherman:

S.B. 162, A bill to be entitled An Act relating to bi-county day schools for the deaf; amending Subsection (b), Section 11.10, Texas Education Code; and declaring an emergency.

To Committee on Education.

By Senator Adams:

S.B. 163, A bill to be entitled An Act relating to the tuition fee charged to students enrolled at state-supported institutions of higher education who have earned a degree or degrees on the basis of completion of four or more years of college study; exempting certain students at state supported institutions of higher education from the payment of building, union, and service fees; amending Section 54.051 of the Texas Education Code; repealing all laws in conflict; and declaring an emergency.

To Committee on Education.

By Senator Adams:

S.B. 164, A bill to be entitled An Act relating to a suit to determine the paternity of an illegitimate child; providing an effective date; and declaring an emergency.

To Committee on Human Resources.

By Senator Adams:

S.B. 165, A bill to be entitled An Act amending Chapter 314, Acts of the 41st Legislature, Regular Session, 1929, as amended (Article 911b, Vernon's Texas Civil Statutes), by the addition of Section 1d, relating to the

transporting of mobile homes; and declaring an emergency.

To Committee on State Affairs.

By Senator Adams:

S.B. 166, A bill to be entitled An Act relating to the creation of the office of district attorney for the 173rd Judicial District; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Adams:

S.B. 167, A bill to be entitled An Act relating to the creation of the constitutional office of Criminal District Attorney of Kaufman County; abolishing the office of County Attorney of Kaufman County; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Adams:

S.B. 168, A bill to be entitled An Act adopting Title 2 of the Family Code, relating to parent and child; amending Section 3.55, Family Code; repealing laws replaced by Title 2; providing an effective date; and declaring an emergency.

To Committee on Human Resources.

By Senators Wallace, Santiesteban, Ogg, Clower and Mauzy:

S.B. 169, A bill to be entitled An Act relating to service of process on a liability insurer; amending the Revised Civil Statutes of Texas, 1925, as amended, by adding Article 2039b; and declaring an emergency.

To Committee on Economic Development.

By Senator Ogg:

S.B. 170, A bill to be entitled An Act relating to the establishment and functions of a Drug Formulary Commission and to the prescribing and sale of drugs by generic name; amending Chapter 107, Acts of the 41st Legislature, Regular Session, 1943, as amended (Article 4542a, Vernon's Texas Civil Statutes), by adding Sections 21 and 22; providing for severability; and declaring an emergency.

To Committee on Human Resources.

By Senator Harris:

S.J.R. 11, Proposing an amendment to Section 11a of Article I of the Constitution of the State of Texas permitting the denial of bail to a person charged with a felony offense who has theretofore been twice convicted of a felony offense; the denial of bail to a person charged with a felony offense committed while that person was admitted to bail on a prior felony indictment; the denial of bail to a person charged with a crime involving the use of a deadly weapon where there is evidence such person has been convicted of a prior felony offense; providing a limit to that person's incarceration without trial; and granting the right of appeal.

To Committee on Jurisprudence.

## REPORT OF STANDING COMMITTEE

Senator Brooks submitted the following report for the Committee on Human Resources:

H.B. 183

**RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled resolutions:

S.C.R. 19  
S.C.R. 22

**CO-AUTHOR OF SENATE BILL 11**

On motion of Senator Hightower and by unanimous consent, he will be shown as Co-author of S.B. 11.

**SENATE BILL 2 ON THIRD READING**

Senator Schwartz asked unanimous consent to suspend the regular order of business and take up S.B. 2 for consideration at this time.

There was objection.

Senator Schwartz then moved to suspend the regular order of business and take up S.B. 2 for consideration at this time.

The motion prevailed by the following vote: Yeas 21, Nays 6.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Gammage, Harrington, Hightower, Jones, Kothmann, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Traeger, Wallace and Wolff.

Nays: Clower, Herring, Mauzy, McKinnon, Mengden and Sherman.

Absent: Harris.

Absent-excused: Creighton, Longoria and Snelson.

The President laid before the Senate on its third reading and final passage:

S.B. 2, A bill to be entitled An Act relating to capital improvements for the University of Houston at Clear Lake City and for the Texas Maritime Academy and Moody College of Marine Sciences and Maritime Resources; amending Subchapter B, Chapter 55, Texas Education Code, as amended; and declaring an emergency.

The bill was read third time and was finally passed.

**RECORD OF VOTES**

Senators Herring, Harrington, Mauzy, Clower, Sherman, Moore and McKinnon asked to be recorded as voting "Nay" on the final passage of the bill.

**MOTION TO PLACE  
SENATE BILL 6 ON SECOND READING**

Senator Schwartz moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that S.B. 6 be placed on its second reading and passage to engrossment.

The motion was lost by the following vote: (Not receiving four-fifths vote of the Members of the Senate) Yeas, 23, Nays 4.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Gammage, Harrington, Herring, Hightower, Jones, Kothmann, Mauzy, McKinnon, McKnight, Meier, Ogg, Santiesteban, Schwartz, Sherman, Traeger, Wallace and Wolff.

Nays: Clower, Harris, Mengden and Patman.

Absent: Moore.

Absent-excused: Creighton, Longoria and Snelson.

### MESSAGE FROM THE HOUSE

Hall of the House of Representatives  
Austin, Texas, February 5, 1973

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for the appointment of a conference committee on S.C.R. 1 consisting of: Von Dohlen, Chairman; Washington, Hutchison, Menefee and Vale.

Respectfully submitted,  
DOROTHY HALLMAN  
Chief Clerk, House of Representatives

### ADJOURNMENT

On motion of Senator Aikin the Senate at 11:43 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

### APPENDIX

Sent to Governor

February 5, 1973

S.C.R. 19  
S.C.R. 22

### SIXTEENTH DAY (Tuesday, February 6, 1973)

The Senate met at 10:30 o'clock a.m. pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Gammage, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier,